

Application Serial No.: 10/669,682
Reply to Office Action dated May 9, 2007

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 12-18, 21, 23, and 27-31 are presently pending in this case. Claims 1 and 12 have been amended, Claim 26 has been canceled without prejudice or disclaimer, and Claims 29-31 have been added by way of the present Amendment. Pending Claims 13, 17, 18, 21, and 23 have been withdrawn from consideration, but remain pending since they depend from a linking claim. Newly added Claims 29 and 30 are readable on the elected Species A, and embodiments of newly added Claim 31 are readable on the elected Species A as will be discussed in more detail below with respect to the rejection under 35 U.S.C. 112, second paragraph. No new matter has been entered. (See, e.g., page 9, line 32, through page 10, line 9, and at least Figures 1, 2, 4, and 6.)

In the outstanding Official Action, Claim 26 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Official Action states that the scope of Claim 26 was “indefinite because it is improperly dependent upon withdrawn claims.” Claim 26 has been canceled and similar claim language recited in new Claim 31 for the reason indicated in MPEP 608.01(n) I. B. 2. New Claim 31 is a multiple dependent claim that depends from “any one of claims 1-4, 12-18, 21, 23, or 27-30,” and notably Claims 13, 17, 18, 21, and 23 have been withdrawn from consideration. However, Applicants submit that new Claim 31 is not indefinite or improper because it depends from withdrawn claims. As expressly discussed in MPEP 608.01(n) I. C., “[f]or restriction purposes, each embodiment of a multiple dependent claim is considered in the same manner as a single dependent claim.

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Therefore, restriction may be required between the embodiments of a multiple dependent claim. Also, some embodiments of a multiple dependent claim may be held withdrawn while other embodiments are considered on their merits.” Thus, this section of the MPEP does not indicate that such multiple dependent claims are improper or indefinite, but rather sets forth the manner in which such claims are examined. Therefore, in the present instance, Claims 31/1 (read as “Claim 31 as dependent upon Claim 1”), 31/2/1 (read as “Claim 31 as dependent upon Claim 2, which depends from Claim 1”), 31/3/1, 31/4/1, 31/12, 31/14/12, 31/15/12, 31/16/12, 31/27/1, 31/28/12, 31/29/1, and 31/30/12 read on the elected Species A and thus should be considered, while Claims 31/13/12, 31/17/12, 31/18/17/12, 31/21/1, and 31/23/12 should be withdrawn from consideration. Accordingly, Claim 31 is proper and definite, and thus Applicants respectfully request the withdrawal of the indefiniteness rejection.

Claims 1-4, 12, 14-16, and 26-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (U.S. Patent No. 4,377,123). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejection.

Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. As will be demonstrated below, the Jackson reference clearly does not meet each and every limitation of amended independent Claims 1 and 12.

Claim 1 of the present application recites a motion reduction apparatus comprising a plumb plate which is provided on at least a substantially vertical side surface of a floating main body, is separated from the floating main body by a specific distance, extends in a

vertical plane with respect to the floating main body in an upright orientation, and extends below a lowermost bottom surface of the floating main body. The Applicants submit that the Jackson reference fails to disclose all of the above limitations.

The Jackson reference describes a conventional motor boat (10) having a hull (11) and a bow (12), and a flat, substantially planar stabilizer fin (13) adapted for attachment to bow (12). A fin support strut (15) is fixedly secured to the trailing edge of fin (13), and extends upwardly at an angle from the trailing edge of stabilizer fin (13) and seats against hull (11). The fin (13) is described as being secured in alignment with the longitudinal axis of the boat. (See, e.g., column 2, lines 1-2.) The fin (13) can be provided at a location other than at the bow, such as along the keel and mounted within the hull.

The Official Action cites fin (13) of the Jackson reference for the teaching of the plumb plate recited in Claim 1. The Jackson reference describes and depicts an embodiment in which the fin (13) has a fine support strut (15) that is seated against the hull (11) of the boat (10). As is evident from a review of Figures 1 and 3 of the Jackson reference, the seated relationship of the strut (15) on the hull (11) does not anticipate “a plumb plate which is provided on at least a substantially vertical side surface of a floating main body,” as recited in Claim 1. The hull (11) at the location where strut (15) contacts therewith is clearly not a substantially vertical side surface of the boat (10), and is in fact at an angle that is closer to horizontal than vertical. To interpret the language of Claim 1 to read on the Jackson reference would require ignoring the term “vertical,” which would be beyond the broadest reasonable interpretation of the claim language as would be apparent to one of ordinary skill I

the art. Also, the embodiment of Figure 4 does not disclose “a plumb plate which is provided on at least a substantially vertical side surface of a floating main body,” as recited in Claim 1.

Accordingly, the Jackson reference fails to disclose all of the limitations recited in amended Claim 1. Thus, Applicants respectfully request the withdrawal of the anticipation rejection of independent Claim 1, and all of the claims that depend therefrom.

Claim 12 of the present application advantageously recites a motion reduction apparatus comprising a plate member provided on a substantially vertical side surface of a floating main body, wherein the plate member has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body. The Applicants submit that the Jackson reference fails to disclose all of the above limitations.

For the same reasons discussed above with respect to Claim 1, Applicants submit that the Jackson reference does not disclose “a plate member provided on a substantially vertical side surface of a floating main body,” as recited in Claim 12.

Accordingly, the Jackson reference fails to disclose all of the limitations recited in amended Claim 12. Thus, Applicants respectfully request the withdrawal of the anticipation rejection of independent Claim 12, and all of the claims that depend therefrom.

The dependent claims are considered allowable for the reasons advanced for the independent claim from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of

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their respectively independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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